



# Third Update of the Environmentally Sensitive Lands Ordinance (ESLO III)

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**Approved: April 20, 2004**

**Effective: May 21, 2004**

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The third major update to the Environmentally Sensitive Lands Ordinance (ESLO) was requested by the City Council in order to:

- a. Achieve more focus on protecting the natural character along significant washes,
- b. Provide more focus on creating continuous areas and corridors of Natural Area Open Space (NAOS),
- c. Clarify certain provisions regarding building heights in single family districts,
- d. Reduce the impacts of walls upon washes and the natural desert setting, and

## Key Elements of the Update

### **Providing NAOS along significant washes:**

- ✓ Natural wash preservation is the highest priority for site plan development (Section 6.1060.F.3).
- ✓ Significant washes are defined as having a 100-year storm flow of 50 cubic feet per second or more. Washes of this type typically have concentrations of mature and dense vegetation along their banks.
- ✓ Walls are not allowed to cross major or minor washes (Section 6.1071.A.2) unless specifically approved by the City Council. Wash corridors should provide for unimpeded flows of stormwater and the movement of native wildlife.
- ✓ The goal is to minimize the modifications of the flow and natural character features of significant washes. Wherever possible, site plan designs should accommodate natural washes in their native location and condition. (Section 6.1070.G.1.I)
- ✓ A new review process has been established to consider any proposals to modify an existing natural wash (Section 6.1070.G.1.I).
- ✓ It is understood that in some cases and settings it will be necessary to modify the existing character of a wash to accommodate reasonable improvement of a property and protect lives and property.
- ✓ Maps showing the locations of known washes, steep slopes, boulder formations and existing NAOS areas are available as resources to assure reasonable continuity of natural areas and protection of more significant and sensitive natural features. Maps are available at the ESLO web site:  
<http://www.ScottsdaleAZ.gov/Codes/ESLO> - click on ESLO Maps.

**Perimeter walls will no longer be allowed:**

- ✓ Perimeter walls that surround a subdivision or master planned development will no longer be allowed unless specifically approved by the City Council (Section 6.1071.A.5).
- ✓ If such walls are approved, the Development Review Board (DRB) shall approve the design based upon specific criteria (Section 6.1071.A.5.a-d).

**On-lot walls will be set back further on larger lots:**

- ✓ For lots that are 35,000 square feet or larger, the walls along the rear and side will generally need to be set back 15 feet from the property line (Section 6.1071.A.7).

**On-lot grading will be limited:**

- ✓ On-lot grading in R1-35 or larger lot size districts will be limited to what is needed to construct the proposed building or accessory structure (Section 6.1071.A.4). This is not an increase to the NAOS requirement. It is intended only to limit site distances to those portions of the site for which permits have been issued. If the property owner brings in plans for additional buildings or improvements (after the initial construction), then the areas to be graded can be expanded, as long as the required NAOS has been provided and secured.

**Large boulders will be evaluated with each site plan:**

- ✓ All site plan submittals in the ESLO area need to identify the location of large boulders (Section 6.1091.A.1.j). There will be additional focus placed on protecting this type of features in its natural condition and where appropriate including them in the NAOS area.

**The limitation on single-family district building heights has been clarified:**

- ✓ All buildings in a single-family (R-1) district will be subject to the maximum height of 24 feet unless specifically approved by the City Council (Section 6.1070.B.1.b).

**Exemptions based upon prior approvals have been clarified:**

- ✓ A new table has been created to clarify when a prior approval continues to be valid in lieu of current ESLO requirements (Section 6.1022.A-C).

**A new “hardship” process has been created:**

- ✓ If an applicant can demonstrate that a hardship has been created by the new regulations, and that relatively little impact will occur, City Council may allow the applicant to follow the regulations of an earlier version of the ESLO (Section 6.1022.D).